

FILED
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
11-03-23 P 1:00
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Bienvenido I. Lugo Marchant
Plaintiff

Civil Action No. 05 11317 NMG

v.

Peter Tsickritzis, Kevin Kingston,
United Liquors Limited et al.
Defendants

**MOTION TO ADD RECENTLY PRODUCED OR FOUND DOCUMENTS, AND
GRAMMATICAL CORRECTIONS**

The Plaintiff would like to correct some grammatical expressions that were accidentally misspelled and to add some recently found documents to substantiate his claim.

The corrections are in the words resectfully for respectfully, and ANDWITHOLDING for AND WITHOLDING on the documents submitted on or about Feb'23-2007. If there are other mistakes, they are involuntary, and shall not affect the main issues of this claim. Furthermore, the Plaintiff adds:

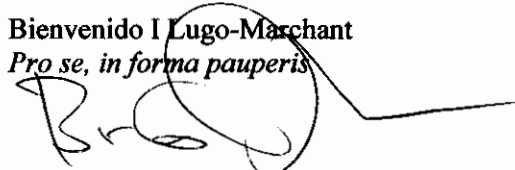
1. A copy of a recent driving record (2 pages)
2. A copy of a Social Security's (pages 1,3) statement
3. A copy of the Plaintiff's Teamster Card,
4. An illustration depicting working equipment used by the Plaintiff. *Molnar v. Booth*, 229 F 3d 593 (7th Cir 2000)
5. An illustration depicting the Deposition room. Fed. Rules Of Evid. 406, *US v. Newman*, 982 F2d 665, 668 (1st Cir. 1992)
6. A set of newspaper reports on the Defendants

WHEREFORE, the Plaintiff respectfully prays this **Honorable US Court** accepts this **Motion to Add Recently Produced or Found Documents, and Grammatical Corrections.**

Very respectfully, the Plaintiff demands **TRIAL BY JURY.**

Respectfully submitted,

Bienvenido I Lugo-Marchant
Pro se, in forma pauperis



CERTIFICATE OF SERVICE

I hereby certify that on March 21, 2007, this document was served upon the defendant's counsel, JACKSON LEWIS, by first class mail, postage paid.



COMMONWEALTH OF MASSACHUSETTS REGISTRY OF MOTOR VEHICLES

One Copley Place - 1st Floor, Boston MA 02116

www.mass.gov/rmv

Anne L. Collins
Registrar

RECEIVED
CLERK OF COURT
JUL 23 P 1:50
SUPERIOR COURT
COMMONWEALTH OF MASS

Mail:
P.O. Box 55889
Boston, MA 02205-5889

SEARCH DATE 09/07/2006

LUGO-MARCHANT, BIENVENIDO I

DOB: 01/27/1969
LICENSE #: S97494998
REG #:

---FOLD

DRIVING RECORD

PG 1 OF 2

PREVIOUS NAMES, LICENSE NUMBERS

THE FOLLOWING IS A LIST OF ALL ACTIVE OFFENSES AND ACTIONS ON FILE.

INC/NOT ---DATE---	COURT	FINDING ---DATE---
04/27/1999	SURCHARGEABLE ACCID BROCKTON	08/04/1999
09/07/2006	DRIVING RECORD TO BIENVENIDO LUGO	

END OF REPORT

**COMMONWEALTH OF MASSACHUSETTS
REGISTRY OF MOTOR VEHICLES**

One Copley Place - 1st Floor, Boston MA 02116

www.mass.gov/rmv

Anne L. Collins
RegistrarMail:
P.O. Box 55889
Boston, MA 02205-5889

SEARCH DATE 09/07/2006

LUGO-MARCHANT, BIENVENIDO I

DOB: 01/27/1969
LICENSE #: S97494998
REG #:

---FOLD

PG 2 OF 2

PREVIOUS NAMES, LICENSE NUMBERS

LICENSE INQUIRY INFORMATION

LICENSE#: S97494998 ST: MA
NAME L: LUGO-MARCHANT F: BIENVENIDO M: I DOB: 01/27/1969
SEX: M HEIGHT: 5 10 ORGAN DONOR: N MORE HISTORY: Y

DRIVERS EDUCATION: N MILITARY: N MAB: N

STATUS	LIC: ACT	RESTRICTIONS:	TIME:	TO:
	CDL: ACT			
TYPE	CLASS	ENDORSEMENTS	ISSUE DATE	EXPIRATION DATE
L	B		11/12/1998	01/27/2008
P	A		04/06/2005	04/06/2007

END OF REPORT

Prevent identity theft—protect your Social Security number

Your Social Security Statement

Prepared especially for **Bienvenido I. Lugo Marchant**

October 31, 2006

www.socialsecurity.gov

See inside for your personal information ➔

NO R 0013 000492447 01 AT 0.308

BIENVENIDO I. LUGO MARCHANT**19 GROVE ST****BROCKTON MA 02301-6005**

|||||

What's inside...

Your Estimated Benefits	2
Your Earnings Record	3
Some Facts About Social Security	4
If You Need More Information	4
To Request This Statement In Spanish	4
<i>(Para Solicitar Una Declaración en Español)</i>	

What Social Security Means To You

This *Social Security Statement* will help you understand what Social Security means to you and your family. This *Statement* can help you better plan for your financial future. It gives you estimates of your Social Security benefits under current law. Each year, we will send you an updated *Statement* including your latest reported earnings.

Be sure to read this *Statement* carefully. If you think there may be a mistake, please let us know. That's important because your benefits will be based on our record of your lifetime earnings. We recommend you keep a copy of this *Statement* with your financial records.

Social Security is for people of all ages...

It can help you whether you're young or old, male or female, single or with a family. It's there for you when you retire, but it's more than a retirement program. Social Security also can provide benefits if you become disabled and help support your family when you die.

Work to build a secure future...

Social Security is the largest source of income for most elderly Americans today. It is very important to remember that Social Security was never intended to be your only source of income when you retire. Social Security can't do it all. You also will need other savings, investments, pensions or retirement accounts to make sure you have enough money to live comfortably when you retire.

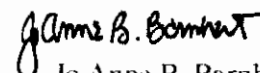
About Social Security's future...

Social Security is a compact between generations. For more than 60 years, America has kept the promise of security for its workers and their families. But now, the Social Security system is facing serious future financial problems, and action is needed soon to make sure that the system is sound when today's younger workers are ready for retirement.

Today there are almost 36 million Americans age 65 or older. Their Social Security retirement benefits are funded by today's workers and their employers who jointly pay Social Security taxes — just as the money they paid into Social Security was used to pay benefits to those who retired before them. Unless action is taken soon to strengthen Social Security, in just 11 years we will begin paying more in benefits than we collect in taxes. Without changes, by 2040 the Social Security Trust Fund will be exhausted.* By then, the number of Americans 65 or older is expected to have doubled. There won't be enough younger people working to pay all of the benefits owed to those who are retiring. At that point, there will be enough money to pay only about 74 cents for each dollar of scheduled benefits. We will need to resolve these issues soon to make sure Social Security continues to provide a foundation of protection for future generations as it has done in the past.

Social Security on the Net...

Visit www.socialsecurity.gov on the Internet to learn more about Social Security. You can read our publications, use the *Social Security Benefit Calculators* to calculate future benefits, apply for retirement, spouse's or disability benefits, or subscribe to eNews for up-to-date information about Social Security.



Jo Anne B. Barnhart
Commissioner

* These estimates of the future financial status of the Social Security program were produced by the actuaries at the Social Security Administration based on the intermediate assumptions from the Social Security Trustees' Annual Report to the Congress.

Your Earnings Record

Years You Worked	Your Total Social Security Earnings	Your Total Medicare Earnings
1957	\$ 249	\$ 249
1958	0	0
1959	72	72
1960	1,263	1,263
1961	0	0
1962	0	0
1963	0	0
1964	0	0
1965	0	0
1966	0	0
1967	0	0
1968	0	0
1969	5,895	5,895
2000	20,056	20,056
2001	21,551	21,551
2002	22,037	22,037
2003	9,819	9,819
2004	2,884	2,884
2005	2,260	2,260

Did you know... Social Security is more than just a retirement program? It's here to help you when you need it most.

You and your family may be eligible for valuable benefits:

When you die, your family may be eligible to receive survivors benefits.

Social Security may help you if you become disabled—even at a young age.

It is possible for a young person who has worked and paid Social Security taxes in as few as two years to become eligible for disability benefits.

Social Security credits you earn move with you from job to job throughout your career.

Total Social Security and Medicare taxes paid over your working career through the last year reported on the chart above:

Estimated taxes paid for Social Security:

Estimated taxes paid for Medicare:

You paid: \$5,332

You paid: \$1,427

Your employers paid: \$5,332

Your employers paid: \$1,427

Note: You currently pay 6.2 percent of your salary, up to \$94,200, in Social Security taxes and 1.45 percent in Medicare taxes on your entire salary. Your employer also pays 6.2 percent in Social Security taxes and 1.45 percent in Medicare taxes for you. If you are self-employed, you pay the combined employee and employer amount of 12.4 percent in Social Security taxes and 2.9 percent in Medicare taxes on your net earnings.

Help Us Keep Your Earnings Record Accurate

You, your employer and Social Security share responsibility for the accuracy of your earnings record. Since you began working, we recorded your reported earnings under your name and Social Security number. We have updated your record each time your employer (or you, if you're self-employed) reported your earnings.

Remember, it's your earnings, not the amount of taxes you paid or the number of credits you've earned that determine your benefit amount. When we figure that amount, we base it on your average earnings over your lifetime. If our records are wrong, you may not receive all the benefits to which you're entitled.

Review this chart carefully using your own records to make sure our information is correct and that we've recorded each year you worked. You're the only person who can look at the earnings chart and know whether it is complete and correct.

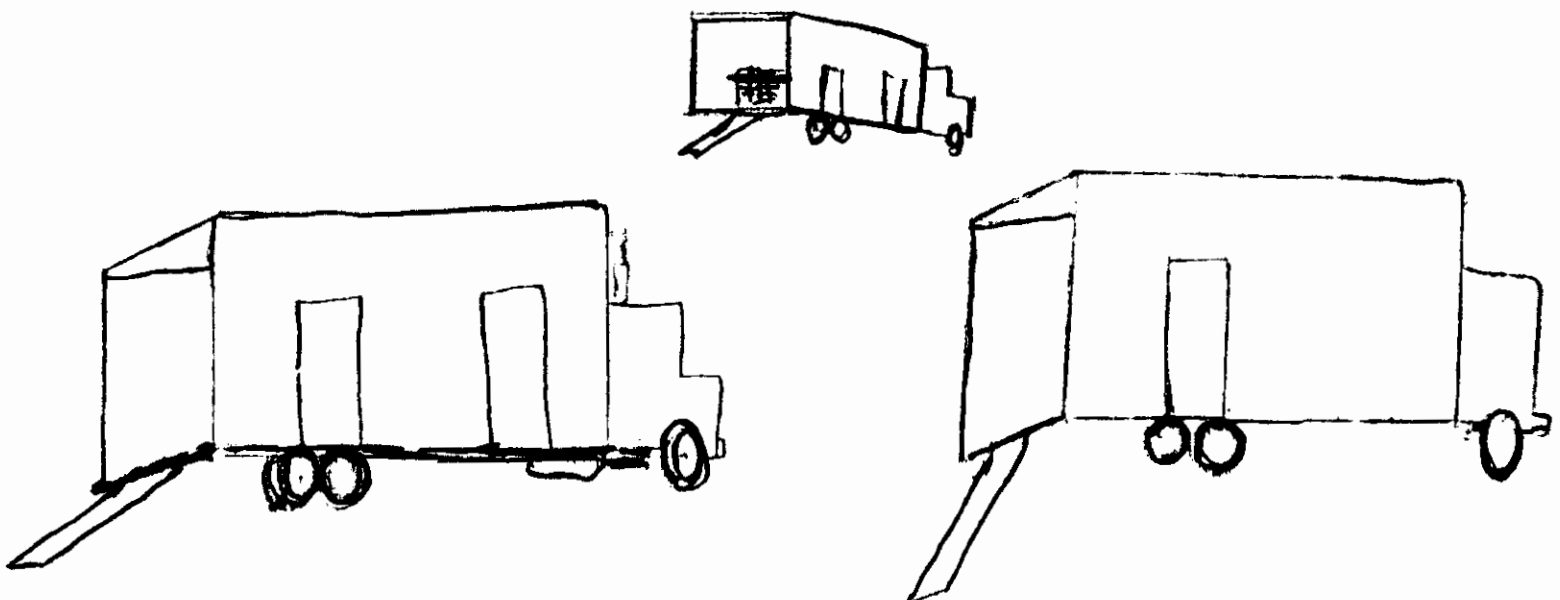
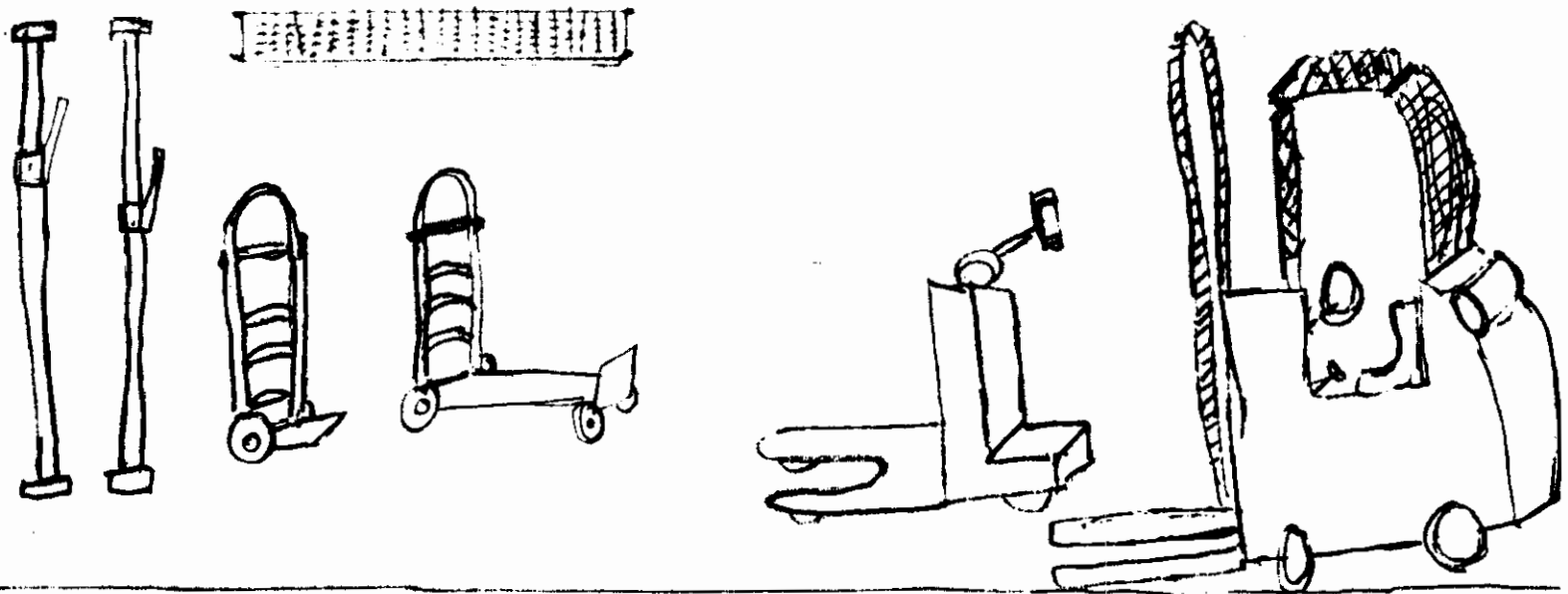
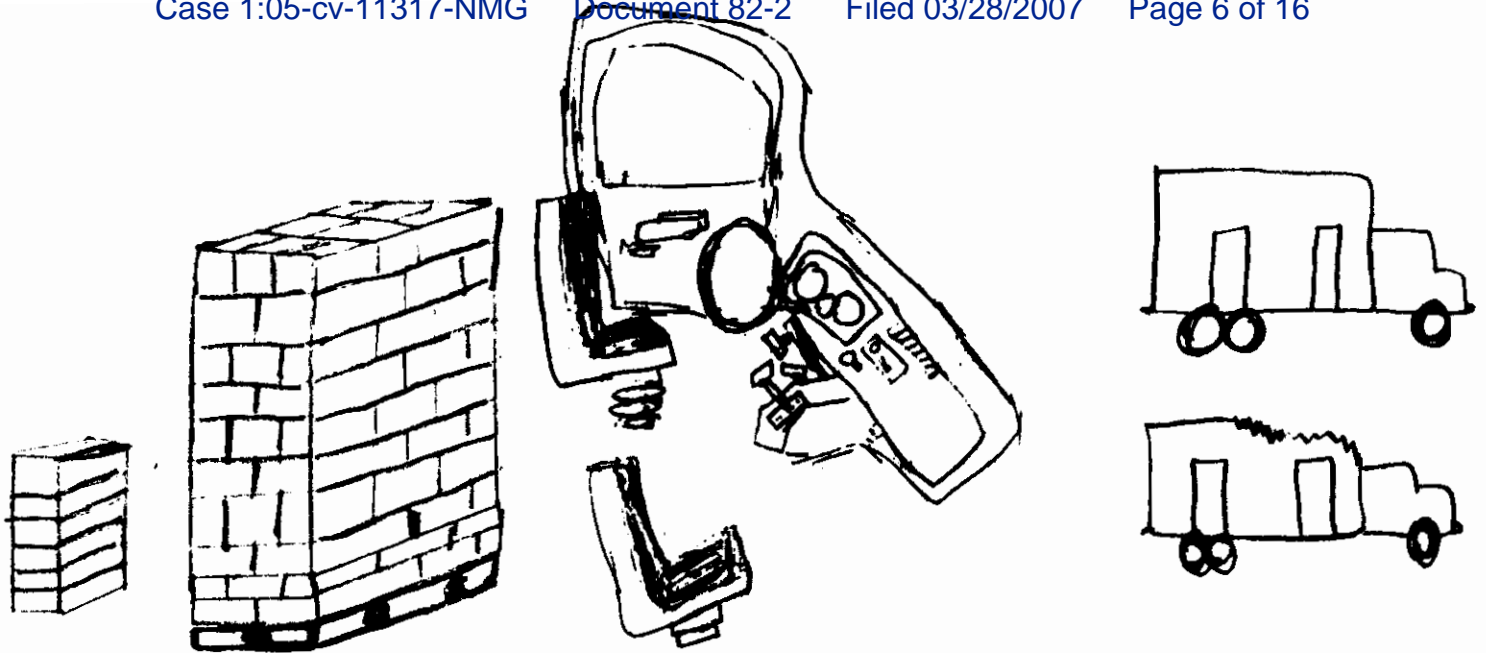
Some or all of your earnings from last year may not be shown on your *Statement*. It could be that we still

were processing last year's earnings reports when your *Statement* was prepared. Your complete earnings for last year will be shown on next year's *Statement*. **Note:** If you worked for more than one employer during any year, or if you had both earnings and self-employment income, we combined your earnings for the year.

There's a limit on the amount of earnings on which you pay Social Security taxes each year. The limit increases yearly. Earnings above the limit will not appear on your earnings chart as Social Security earnings. (For Medicare taxes, the maximum earnings amount began rising in 1991. Since 1994, all of your earnings are taxed for Medicare.)

Call us right away at 1-800-772-1213 (7 a.m. - 7 p.m. your local time) if any earnings for years before last year are shown incorrectly. If possible, have your W-2 or tax return for those years available. (If you live outside the U.S., follow the directions at the bottom of page 4.)

DATE OF RECEIPT			LOCAL NO.	
12-12-2003			0653	
DATE PAID	CODE	RATE	AMOUNT	PAID THRU
12-12-2003	0	55.00	55.00	Nov03
12-12-2003	0	55.00	55.00	Dec03
417462490 009 021043550-01				
BIENVENIDO LUGO-MARCHANT BCA				
19 GROVE STREET				
BROCKTON MA 02301				



The Patriot Ledger

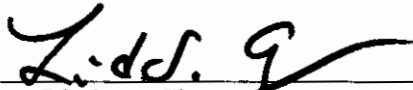
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January 12, 2007

This is to certify that these are true and accurate copies of stories appearing in The Patriot Ledger referring to Peter Tsickritzis and Kevin Kingston or United Liquors Limited.



Linda S. Chapman
Keeper of the Records



Date

MASSACHUSETTS SIGNATURE WITNESSING

Gov. Exec. Ord. #455 (03-13), §5(f)

Commonwealth of Massachusetts

County of

DORFOLK

} ss.

On this the

12th

day of

January

Month

2007

Year

before me,

KATHLEEN H. LYNCH

Name of Notary Public

the undersigned Notary Public,

personally appeared

LINDA S. CHAPMAN

Name(s) of Signer(s)

proved to me through satisfactory evidence of identity, which was/were

PERSONALLY KNOWN

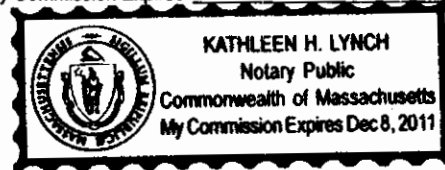
Description of Evidence of Identity

to be the person(s) whose name(s)
was/were signed on the preceding or
attached document in my presence.

Kathleen H. Lynch
Signature of Notary Public

KATHLEEN H. LYNCH
Printed Name of Notary

My Commission Expires



Place Notary Seal and/or Any Stamp Above

OPTIONAL

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Document Date:

Number of Pages:

31

Signer(s) Other Than Named Above:

Right Thumbprint
of Signer

Top of thumb here

Text Name: *bzl7osha*

Author: *Kelli Gavant/Patriot Ledger Washington Bureau*

Keywords: *ss employer job workplace injury illness osha inspection*

Notes:

Published: *Page 37, ROP, 6/17/06*

Injuries, illnesses are high at some S. Shore job sites Federal agency focusing on more than 60 employers

By KELLI GAVANT

Patriot Ledger Washington Bureau

More than 60 South Shore employers have higher-than-average rates of workplace injury and illness and may be the target of inspections that began this past week by the Occupational Safety and Health Administration.

The businesses on the list reported six or more incidents of injury or illness for every 100 full-time employees in 2004, resulting in days away from work, restricted work activity, or job transfers. The national rate in 2004 for private industry was 2.5 injuries or illnesses per 100 workers.

The federal agency pulls together a list of employers every year at this time as it begins its annual round of inspections.

"Usually, health care facilities are high," said Kelly Sample, director of human resources at the Southwood at Norwell Nursing Center, one of 20 nursing homes and health care providers on the South Shore that made the list. "The people you're caring for, the drugs they're on, make them combative. A lot of them are reactive to care. People are getting hurt more and more with that."

While some employers on the list such as Southwood returned calls from The Patriot Ledger to discuss their safety efforts, numerous businesses on the list declined to comment or were not aware they received a warning letter from OSHA.

Last year, 80,000 U.S. work sites within selected industries were surveyed about injury and illness data from 2004. The federal workplace safety agency's efforts are focused on industries that tend to have higher rates of work-related mishaps and illnesses.

In 2004, there were 93,400 reported nonfatal job-related injuries and illnesses in Massachusetts. More than half of the injuries occurred in education, health services, trade, transportation and utilities jobs.

Workplaces that reported more than six cases of injury or illness per 100 employees that year got a letter from OSHA in April informing them that their rate was "higher than most other businesses in the country." They were encouraged to get help from OSHA's onsite state consultation programs.

"It's a wake-up call," said OSHA spokesman Frank Meilinger.

Of the roughly 14,000 U.S. workplaces receiving the letter, about 4,250 reported 12 or more injuries or illnesses per 100 workers in 2004.

OSHA declined to specify the businesses that were in that category; those employers will be on a

primary list to be inspected.

There will also be random inspections of businesses with case rates above the national rate, which includes all of the workplaces that received letters.

The OSHA report did not provide details about conditions at individual businesses or specify whether any companies on the South Shore list might face inspections.

At an inspection, a business could receive a clean bill of health, get a citation without penalty, or be fined up to \$7,000 per day, depending on the severity of the violation.

Quincy Medical Center's occupational health service works with more than 250 South Shore businesses to help them improve work safety and prevent job injuries.

"People don't know how much we can do for them," said Christine Cadegan, a nurse practitioner and the director of the safety program.

Cadegan advises a variety of employers, from high-risk workplaces like hospitals and police stations to ones that seem less dangerous.

"A library seems like a benign little place," she said. "But when they push those wagons with those books around, something as simple as maintaining the wheels so the resistance is less" can make a big difference.

United Liquors Ltd., a Braintree-based beverage distributor, was among the businesses named that have a high occurrence of on-the-job injuries and illnesses.

"It's surprising because we got a letter from our insurance carrier commending us for our workers' safety," said Peter Tsickritzis, director of operations at United. "(But it is) not surprising in our industry. Delivery handles 34,000 cases a day. It's a labor-intense operation."

United Liquors was awarded a state-funded ergonomics grant that Tsickritzis said has greatly improved safety at the company.

"We have a safety committee to review any safety issue," he said. "We are totally dedicated to well-being and safety."

Employ + Ability Inc., a medical device manufacturer in Braintree that gives jobs to people with disabilities, also received a warning letter.

"We're not sure what it was all about," said Jim Middleton, president of the nonprofit organization. "We're very careful about injuries. It was a surprise to us. ... We go out of our way to be careful."

Text Name: bz05united

Author: STEVE ADAMS

Keywords: martignetti liquor united union store merger braintree acquisition

Notes: Photo (on jump, p36)

Published: Page 35, ROP, 8/5/06

State's top 2 liquor firms to join forces - Effect on 1,200 workers in Massachusetts unknown Effect on 1,200 workers in Massachusetts unknown By STEVE ADAMS, The Patriot Ledger

BRAINTREE - Norwood-based Martignetti Cos. has agreed to buy its chief rival, United Liquors Ltd. of Braintree, in a union that would make Martignetti's the state's largest liquor distributor.

Terms were not disclosed, and company executives were not available to comment on the effect on employees. United Liquors employs 600 people at its headquarters in Braintree's Campanelli Industrial Park. Martignetti employs more than 600 people in Massachusetts and 100 at other New England locations.

Employees of both companies were notified of the deal within the last few days, said Pam McDermott, of Boston public relations firm McDermott Ventures.

Both companies are privately held, but United Liquors had revenues of \$369.3 million in 2002 and was on a pace for \$440 million in sales in 2003, company executives told The Patriot Ledger in an interview at the time.

George Haivanis, owner of Wollaston Wine and Spirits in Quincy, said he doesn't expect the merger to drive up prices or limit consumer choice.

"It's a positive move for the whole industry," Haivanis said. "They've both been here for years, they know the area and the businesspeople, and it will be a positive merger."

Founded in 1934, United Liquors expanded into the beer sector in the 1960s when it began distributing Carling beer brewed in Natick.

United Liquors now supplies about 6,000 bars and restaurants and 2,500 liquor stores in Maine, Massachusetts and New Hampshire.

It acquired Whitehall Companies of Norwood in 2002, a move that increased its sales volume by about 25 percent. In January 2003, it signed a 15-year lease for a 484,000-square-foot former Bradlees warehouse in Braintree's Campanelli Industrial Park and installed a new \$6 million automated distribution center capable of loading 88,000 cases of beverages daily. Previously, it had occupied a 315,000-square-foot warehouse in West Bridgewater.

A. Raymond Tye, whose father founded United Liquors in 1934, took over day-to-day operation of the company in 2003 after his son Michael, then United Liquors' CEO, died of cancer at age 49. Tye, who remains chairman of United Liquors' board of directors, appointed 17-year employee Dave Roberts to run the company in December 2003.

United Liquors sold a 25 percent stake of its business to Miami-based Southern Wine & Spirits in February 2005. That deal gave Southern Wine & Spirits, the nation's largest liquor distributor, a 10-year

window in which it could acquire United Liquors or sell its stake.

Southern Wine & Spirits will sell its stake in United Liquors to Martignetti, according to a statement released by McDermott.

Founded in 1908, family-owned Martignetti ships 2.5 million cases a year from its 435,000-square-foot warehouse in Norwood, according to the company web site.

Massachusetts' third major liquor distributor is Horizon Beverage Co. of Avon, which has more than 600 employees.

Steve Adams may be reached at sadams@ledger.com. Steve Adams may be reached at sadams@ledger.com.

Text Name: *bz18united*

Author: *Steve Adams*

Keywords: *braintree united liquors southern wine spirits partner*

Notes:

Published: *Page 14, ROP, 2/18/05*

United Liquors mixes with Fla. company Mass. distributor sells 25% stake to secure future

By STEVE ADAMS

The Patriot Ledger

BRAINTREE – United Liquors has tapped the nation's largest liquor distributor as a minority partner and potential future owner of the business.

The deal, which is expected to close around April 1, gives Miami-based Southern Wine & Spirits a 25 percent stake in United Liquors.

"We did not have a need to sell to the highest buyer like public companies do," United Liquors CEO Dave Roberts said. "We created a relationship with the best partner. It's always about money, but it was not driven by money."

Roberts said the deal increases the job security of the 700 employees at United, Massachusetts' largest distributor of alcoholic beverages, by putting a succession plan in place for the company's management. The deal's financial terms weren't disclosed.

The family-owned company was unexpectedly forced to confront estate planning issues following the death of 49-year-old CEO Michael Tye from cancer in 2003.

After his son's death, company Chairman A. Raymond Tye, 82, hired Roberts as CEO to run the day-to-day operations at the company's Braintree headquarters.

Roberts said the deal with Southern Wine & Spirits sprang from a 40-year friendship between Raymond Tye and Southern CEO Harvey R. Chaplin.

The deal gives Southern Wine & Spirits a 10-year window in which it can acquire complete ownership of United Liquors, or during which United can withdraw from the partnership.

The nation's largest liquor distributor with 8,000 employees, Southern Wine & Spirits does business in 13 states from California to New York.

As part of the deal, Southern Wine & Spirits immediately will buy two United Liquors divisions: Hannah & Dunn LLC of North Carolina and Virginia and United Beverages Inc. of New Hampshire, Maine and Vermont. United Liquors management will continue to run both divisions.

Wayne Chaplin, president of Southern Wine & Spirits, said his father, Harvey, founded the company in 1968. It had been looking to grow in so-called "control states" where wine and spirits sales are restricted to state-owned liquor stores.

“Hopefully, we can take some of the best practices from both organizations and learn from each other,” Chaplin said.

United Liquors supplies about 6,000 restaurants and bars and 2,500 liquor stores in Maine, Massachusetts and New Hampshire.

Tye will continue to serve as chairman of the board of United Liquors, and Roberts will continue as vice chairman and chief executive officer.

There was no urgency for United to strike a deal, Roberts said.

“Mr. Tye is healthy, and that’s the time when you should look at issues like estate planning,” Roberts said.

Steve Adams may be reached at sadams@ledger.com.

Text Name: bz12whitehall

Author: Julie Jette

Keywords: liquor united purchase whitehall companies norwood

Notes:

Published: Page 13, South*, 3/12/02

Whitehall's liquor division purchased by United Norwood distributor to retain half its staff

Julie Jette

The Patriot Ledger

The state's largest liquor distributor, United Liquors Ltd., has bought the liquor distribution business of the Norwood-based Whitehall Companies.

The purchase comes as United plans to move its headquarters from West Bridgewater to Braintree, where it signed a lease on 484,000 square feet of warehouse and office space last August. The space was the headquarters of the now-defunct Bradlees retail chain.

Whitehall Companies, which has been a liquor distributor for the past 68 years, will retain half its employees at its 180,000 square-foot Norwood warehouse and its information systems.

After it sheds its liquor distribution business, Whitehall will provide logistics help, warehouse space and distribution for all types of retailers.

It will retain its wine importing business, Whitehall Imports.

Whitehall General Manager Melissa Gordon said United Liquors will be the company's sole client until next January, when it completes its move to Braintree.

United Liquors officials could not be reached for comment.

Gordon said 138 of Whitehall's employees, mainly in sales and marketing, will be transferred to United, while 139 information systems, trucking, and warehouse staff will remain with Whitehall as it changes its business plan.

Gordon said the company had turned down a number of offers from potential buyers.

"We got approached all the time," she said. "We would never entertain any offer that wouldn't allow our employees to be equal, or better themselves professionally, and this allows them to do that."

Gordon said the liquor distribution division United bought had sales of \$105 million last year. The price of the deal was not disclosed.

In a statement, United said the deal would make it the largest alcoholic beverages distributor in New England with \$400 million in annual sales.

The deal was financed by Citizens Bank, FleetBoston and Sovereign Bank.

Julie Jette may be reached at jjette@ledger.com.